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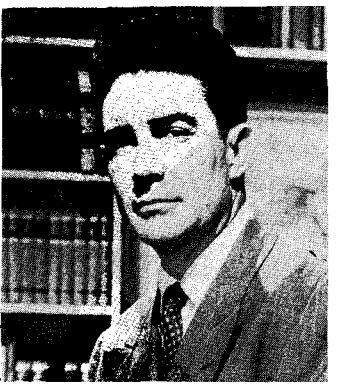

DAN SMOOT

WHITHER THE PUBLIC SCHOOLS?

When the Senate was debating the Civil Rights Act of 1964, Hubert Humphrey (then Senator from Minnesota, now Vice President) was floor manager for the bill. Humphrey assured the Senate that the Act would prohibit the transportation of students from one district to another for the purpose of achieving racial balance. Note the following excerpts from the *Congressional Record* (June 4, 1964, pages 12715 and following):

MR. BYRD of West Virginia: Can the Senator from Minnesota assure the Senator from West Virginia that under . . . [the 1964 Civil Rights Act] school children may not be bused from one end of the community to another . . . at the taxpayers' expense to relieve so-called racial imbalance in the schools?

MR. HUMPHREY: I do.

MR. BYRD: Will the Senator from Minnesota cite the language . . . which would give the Senator from West Virginia such assurance? . . .

MR. HUMPHREY: Yes . . . . The language appears on page 21 of the . . . bill beginning on line 18. It refers back to matters of desegregation. The language is as follows: *Provided, That nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another . . . in order to achieve such racial balance* . . . .

MR. BYRD: . . . Cannot the Office of Education . . . deny assistance to school districts wherein racial imbalance exists?

MR. HUMPHREY: Let me read from the . . . [act]: *Provided, That nothing herein shall empower any official or court of the United States to issue any order.*

MR. BYRD: *To issue any order,* but does it provide that the Office of Education shall not cut off Federal assistance?

MR. HUMPHREY: But in order to cut off Federal assistance, the President would have to issue the order . . . .

THE DAN SMOOT REPORT is published weekly by The Dan Smoot Report, Inc., Box 9538, Dallas, Texas 75214 (office at 6441 Gaston Ave.). Subscriptions: $18.00 for 2 years; $10.00, 1 year; $6.00, 6 months; first class, $12.50 a year; airmail, $14.50. Dan Smoot was born in Missouri, reared in Texas. With BA and MA degrees from SMU (1938 and 1940), he joined the Harvard faculty (1941) as a Teaching Fellow, doing graduate work in American civilization. From 1942 to 1951, he was an FBI agent; from 1951 to 1955, a commentator on national radio and television. In 1955, he started his present independent, free-enterprise business: publishing this REPORT and abbreviating it each week for radio and TV broadcasts available for commercial sponsorship by business firms.

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MR. BYRD: The words are: *No such rule, regulation, or order shall become effective unless and until approved by the President.* What assurance does the Senator give me that the President will not approve such a requirement?

MR. HUMPHREY: Because I do not believe the President will violate the law.

MR. BYRD: The Senator says "I do not believe."

MR. HUMPHREY: I cannot go to the White House and take a blood oath from him, but the President can read . . . . *Nothing herein shall empower any official or court of the United States to issue any order* . . . .

MR. BYRD: The Senator from Minnesota has said that.

MR. HUMPHREY: But I am manager of the bill, and, as a part of the legislative history, that would have some importance . . . .

Despite Humphrey's plaintive assurances, the Johnson administration is violating the Civil Rights Act of 1964.

In March, 1966, Harold Howe II, U. S. Commissioner of Education (appointed by Johnson), laid down harsh guidelines to determine whether schools are qualified to receive federal aid.

The guidelines require school administrators to desegregate administrative staffs and faculties. This is outright defiance of the Civil Rights Act which says, in Section 604: ". . . nothing contained in this Title shall be construed to authorize action . . . by any Department or Agency with respect to any employment practice of any employer."

Howe's guidelines say that school systems do not qualify for federal aid by giving all students free choice to attend whatever schools they please. School systems must see to it that Negroes *choose* transfers to white schools, whether the Negroes want to or not. The federal guidelines fix quotas for such transfers, saying:

"If a significant percentage of the students, such as 8 per cent or 9 per cent, transferred from segregated schools for the 1965 - 1966 school year, total transfers on the order of at least twice that much would normally be expected [next year]."[1]

This forcing of student transfers for the sole purpose of achieving racial mixing is patently a violation of the Civil Rights Act which says, in Section 401 (b): " 'Desegregation' means the assignment of students to public schools without regard to their race, color, religion, or national origin; but 'desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance."

In The South

The federal guidelines and arbitrary quotas for integregation are aimed at schools in the South; and Commissioner Howe has stated his objective bluntly: "No desegregation; no federal money"[2] — while claiming that he is "firmly committed to the principle of local control of public schools."[3]

Howe tries to force his will on local school systems, not only in violation of his word and of the law he pretends to uphold, but also in defiance of the needs and desires of school officials, parents, and children. Take the case of Groesbeck, Texas, for example. In 1965, the Groesbeck school system adopted freedom-of-choice rules which permit students, white or colored, to go to schools outside their neighborhoods. The city's 300 Negro students chose to remain in their neighborhood schools. In August, 1966, six men from the Department of HEW in Washington went to Groesbeck to investigate. School officials explained that all students were going to the schools of their choice. The federal bureaucrats said they would not tolerate that situation, and suggested that Groesbeck close elementary schools in Negro neighborhoods, to force transfer of Negro children to white schools. School officials refused. The federal bureaucrats spent three days canvassing Negro homes, but found no Negroes who want to attend white schools. Nonetheless, they demanded total, immediate integration, threatening to stop all federal aid to Groesbeck schools.[4]

In Alabama, the legislature, at the request of Governor Wallace, outlawed the illegal federal guidelines in that State, nullifying compliance forms already signed by boards of education. This

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action will cost Alabama about 30 million dollars a year in federal aid to its schools.[5]

Governor Wallace told the federal bureaucrats to keep their hands off Alabama's schools and to keep the money which they have confiscated from Alabamans and other Americans. It was a heroic thing for the Governor and the legislature of Alabama to do; but what will the outcome be? Attorney General Katzenbach has already made his threat:

"Whenever the financial incentives offered by the Office of Education do not end discriminatory treatment, the Department of Justice will act."[1]

Even if schools refuse to accept federal tax money, the Department of Justice will sue in federal courts to force the administration's ideas of integration upon the schools. Several such suits have already been filed.[6]

In The North

Outside the South, Commissioner Howe has proclaimed a vendetta against those "fortunate white families who flee to the suburbs to avoid integrated schools."[2,7] He has warned that desegregating Northern schools "won't be pleasant and won't be quiet," and admits that federal activity in this regard will irritate "a fair percentage of our white constituents."[7]

Howe is already using federal tax money illegally to promote desegregation in Northern schools, and is planning more. In late August, 1966, he appeared before Adam Clayton Powell's House Education Subcommittee on De Facto Segregation, testifying about the need to rewrite school textbooks to serve the cause of racial integration — after prefacing his remarks with this pious falsehood:

"I have no desire whatsoever to dictate to anyone the content of a textbook or the treatment of a minority group in a school library volume."[8]

Representative Powell and others on his committee made it clear they think the Commissioner of Education has, and should use, power to force school systems, under penalty of losing federal money, to adopt federally-approved textbooks. Commissioner Howe acknowledged that he does have some power in this regard. His present power is measured by the 100 million tax dollars he disburses annually as grants for textbooks, school libraries, and teaching materials.[8] But his Office of Education has already drafted an Education Act of 1967 which would make the Commissioner supreme commissar of education.

The education bill which Howe's office has prepared for Johnson to submit to Congress next year would provide federal tax money (beginning at $175 million a year, climbing to $375 million annually in four years) to force federally-prescribed racial mixing and racial propaganda on American public school systems. The bill would:

(1) order "complete obliteration" of present school districts, requiring rezoning of school attendance areas, without regard to state or county lines, to compel racial balance in schools;

(2) require busing of children from white suburbs into black inner-city schools, and vice versa;

(3) require new kinds of curricula for public schools, to promote racial integration;

(4) subsidize the rewriting of history, to present racial minorities in a light pleasing to them.[3,9]

The present scheme is to tie the proposed Education Act of 1967 into the Demonstration Cities Act of 1966. The Demonstration Cities Act[10] provides for a special 20% increase in federal grants to cities (for highways, airports, transit systems, and so on) which set up metropolitan planning agencies approved by federal officials. If the Demonstration Cities Act is passed, Office of Education schemers will try to get it amended next year so that federal grants to cities for education will be linked with other federal grants. Then, federal bureaucrats could threaten cities with loss of *all* federal aid for *all* activities, if they do not adopt school programs demanded by Washington.

If Howe has his way, America's neighborhood schools will be replaced by huge federally-financed, federally-controlled mass-education complexes. All students from all neighborhoods in a given area will be transported to one centralized education factory, operated to achieve social, economic, and racial integration.[2,11]

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White parents will be forced to send their children to schools in Negro neighborhoods unsafe for white adults — in some cases, unsafe even for armed police. No matter that this will increase tensions and produce more bloodshed and mob violence; no matter that schools will be converted into indoctrination centers to promote the sick, twisted ideology and the greedy, political ambition of bureaucrats and politicians: *integration, not education, is the primary purpose which Washington officialdom wants American schools to serve.*[2,12]

What To Do

The only way to stop the Johnson administration's vicious schemes for the schools of America is to stop the illegal flow of federal tax money which finances the schemes. The people *must* elect constitutionalists who will repeal *all* federal laws providing aid to education, or authorizing any kind of federal intervention in the field of education. *All* such laws are clear violations of the Tenth Amendment to the Constitution.

The Tenth Amendment says "the powers not delegated to the United States by the Constitution . . . are reserved to the States . . . or to the people." The Constitution delegates no power to the United States to do *anything* about education.

As this goes to press, four bills, which incorporate President Johnson's current education proposals, are pending in Congress: HR 15111, HR 13161, HR 14644, HR 14050. Together, they would authorize between 8 and 9 billion dollars in federal aid to education for the next fiscal year. The House has passed HR 14644 and HR 14050, but not the other two. All four bills are pending in the Senate. The Demonstration Cities and Metropolitan Development Act of 1966 — S 3708 — has been passed by the Senate, but is pending in the House. If passed, this Act will be used as legislative foundation for the education bill which Commissioner Howe wants Johnson to submit next year.

SUGGESTION: As a start toward the final objective of *repealing* all unconstitutional federal laws affecting education, put maximum pressure on Congress to reject the four pending education bills and the pending Demonstration Cities bill.

The Bondage of The Free

Massive propaganda has given American whites a guilt complex about Negroes. Yet, most whites who know that the civil rights movement is a threat to our civilization have been shamed into silence.

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FOOTNOTES

(1) "New Crackdown On Local Schools," *U.S. News & World Report*, May 2, 1966, pp. 25-7
(2) "Howe Determined To Change Schools," by James J. Kilpatrick, *The Dallas Times Herald*, August 3, 1966, p. A18
(3) "School Busing Plot Seen in Cities Bill," by Karen Klinefelter, *The Dallas Morning News*, September 14, 1966, p. A6
(4) "Groesbeck School Challenges HEW," by Thomas E. Turner, *The Dallas Morning News*, September 14, 1966, p. A6
(5) UPI story from Montgomery, Alabama, *The Dallas Times Herald*, August 30, 1966, p. A11
(6) *U.S.A. vs. Wilcox County Board Of Education, et al.*, Civil Action No. 3934-65, U.S. District Court For The Southern District Of Alabama, Northern Division, Brief of Attorneys For Wilcox County Board of Education, Alabama, 84 pp.
(7) "New Integration Targets: Northern Cities And Suburbs," *U.S. News & World Report*, July 4, 1966, pp. 47-8
(8) "Remaking Our School Books," by James J. Kilpatrick, *The* (Washington, D.C.) *Sunday Star*, September 4, 1966, p. C1
(9) "School Integration Push Set by HEW," by Rowland Evans and Robert Novak, *The Dallas Times Herald*, September 13, 1966, p. A16
(10) See this *Report*, "Another Mess Of Pottage," "Clouds In Johnson's Patch Of Sky," "Voting Records, 1966," issues of March 21 and 28, and September 26, 1966 (1 copy 25¢, 10 for $1.00).
(11) "Is Federal Aid Helping To End Neighborhood Schools?", *U.S. News & World Report*, September 5, 1966, pp. 49-50; "Burocratic Plans for Our Schools," editorial, *Chicago Tribune*, September 18, 1966, Sec. 1, p. 24
(12) "Washington Whispers," *U.S. News & World Report*, October 3, 1966, p. 8

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